

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GENERAL ORDER ON ELECTRONIC CASE FILING

Meeting in executive session on November 16, 2004, the Court approved the following procedures for Electronic Case Filing (ECF).

I. Preamble

(A) Whereas:

(1) this court is expected to implement the Case Management/Electronic Case Filing System in 2005,

(2) Federal Rules of Civil Procedure Rules 5, 77, and 79, and Federal Rules of Criminal Procedure Rules 49 and 55, now permit the creation, retention, and storage of court records and service of notice and court orders by electronic means, and

(3) This court intends to provide for the creation, retention, and storage of court records and service of notice and court orders by electronic means,

(B) The court hereby enters this general order which may be referred to as the "General Order on Electronic Case Filing."

(C) This General Order shall be available through the Court Web Site. Any additional procedures established by the Clerk of the Court pursuant to this General Order should also be available through the Court Web Site.

II. Definitions

(A) "Electronic Case Filing System" or "ECF" is the court's electronic system for receiving, recording, docketing, filing, and retrieving pleadings and other court documents in electronic form and which also is capable of generating, recording, retrieving, and transmitting court orders and notices in electronic form.

(B) "Filing User" is a person registered to use ECF in the Northern District of Illinois and who has been issued a login and password.

(C) "Notice of Electronic Filing" is the notice generated by ECF upon the completion of an electronic filing.

(D) "Court Web Site" is the official Internet web site of the United States District Court for the Northern District of Illinois, the present address of which is <http://www.ilnd.uscourts.gov>.

(E) A document is in "Compatible Format" if it is in Portable Document Format ("PDF") created by Adobe Acrobat or another similar and compatible program, or in such other format as the Clerk of the Court may designate and post on the Court Web Site.

(F) "Paper," when used in this General Order to describe forms, documents, etc., means a tangible, hard copy version in contrast to electronic versions.

III. Scope of Electronic Filing

(A) (1) All civil, criminal, and admiralty cases are assigned to ECF except those categories of cases specifically excepted below.

(2) The following categories of cases do not qualify to be assigned to ECF:

- (a) petty offenses;
- (b) grand jury matters;
- (c) student loan cases;
- (d) qui tam actions, until a point in the proceedings that the court may order that it be assigned to ECF;
- (e) sealed cases, until a point in the proceedings that the court may order that it be assigned to ECF; and
- (f) any other specific case where the court expressly orders that it not be assigned to ECF, until a point in the proceedings that the court may order otherwise.

(B) (1) Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court in connection with a case assigned to ECF may be electronically filed.

(2) The following categories of documents are not to be filed electronically:

- (a) the initial documents and all associated documents that begin a case, including, but not limited to, the original complaint in a civil case; the original indictment, complaint, or information in a criminal case; removal petitions in a case removed from state court; or the petition in cases initiated by a petition;
- (b) charging documents in a criminal case, including superseding indictments, superseding informations, and superseding complaints;
- (c) warrants for arrest and summons in criminal cases;
- (d) all documents that require the signature of a criminal defendant;
- (e) pretrial services reports and presentence reports;
- (f) administrative records;
- (g) state court records in a habeas corpus case;
- (h) bankruptcy appeal records;
- (i) restricted, sealed, or *in camera* documents;

- (j) *ex parte* motions;
- (k) verdict forms signed by one or more members of the jury;
- (l) bonds;
- (m) letters of request;
- (n) certain documents or components in accordance with § VII(C);
- (o) notices of appeal;
- (p) other designated documents in accordance with procedures established by the Clerk of the Court; and
- (q) documents that the court expressly orders or permits to be filed in paper form.

(3) As to those documents listed in § III(B)(2) and any other documents filed in paper form, the Clerk of the Court may establish procedures for creating and storing electronic versions of such documents. Those procedures (a) may contain provisions for creating redacted versions of documents and (b) shall not provide for the maintenance of electronic versions of pretrial services reports, presentence reports, restricted documents, sealed documents, *in camera* documents, or *ex parte* motions unless the Clerk of the Court specifically determines that the then-current version of ECF contains adequate protections for securing and restricting access to such documents.

(4) The filing of the initial documents and all associated documents that begin a case, including, but not limited to, the complaint, attorney appearance forms, designation sheet, and the issuance and service of the summons in a civil case and the charging documents in a criminal case, will be accomplished in paper form rather than electronically. The Clerk of the Court may establish procedures for providing electronic copies of initial documents. All subsequent pleadings and other documents in a case assigned to ECF must be filed electronically except as provided in this General Order or as otherwise ordered by the court.

(C) Notwithstanding the foregoing, attorneys and others who are not Filing Users are not required to electronically file pleadings and other documents in a case assigned to ECF. This provision is intended to allow for a reasonable period of transition to the ECF system. It is expected that the Court will *require* electronic filing by attorneys at some point in the future, subject to exceptions allowed for by this order.

(D) Prior to filing an emergency motion or matter, as defined in Local Rule 77.2, a Filing User shall contact the judge's courtroom deputy or chambers by telephone or in person. Chambers information, including standing orders, is posted on the Court Website.

IV. Eligibility, Registration, and Passwords

(A) (1) Attorneys admitted to the bar of this court, including those admitted *pro hac vice*, may register as Filing Users.

(2) Registration shall be in accordance with procedures established by the Clerk of the Court and shall require that the applicant provide his or her name, address, telephone number, Internet e-mail address, and a declaration that the applicant is admitted to the bar

of this court or admitted *pro hac vice*. Registration also requires that the applicant have or obtain an account on the Public Access to Court Electronic Records ("PACER") system.

(B) (1) A party to a pending civil action who is not represented by an attorney may register as a Filing User solely for purposes of the case.

(2) Registration shall be in accordance with procedures established by the Clerk of the Court and shall require that the applicant identify the action as well as the name, address, telephone number, and Internet e-mail address of the applicant. Registration also requires that the applicant have or obtain an account on the Public Access to Court Electronic Records ("PACER") system.

(3) Parties who are in custody are not permitted to register as Filing Users. If, during the course of the action, a party who is registered as a Filing User is placed in custody, the Filing User shall promptly advise the Clerk of the Court to terminate the Filing User's registration as a Filing User.

(4) If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk of the Court to terminate the party's registration as a Filing User upon the attorney's appearance.

(C) Registration as a Filing User constitutes consent to electronic service of all documents as provided in this General Order and in accordance with the Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure. The Clerk of the Court shall use an electronic and/or paper registration form that contains an express consent to service by electronic means in accordance with Fed. R. Civ. P. 5(b)(2)(D) and Fed. R. Crim. P. 49(b).

(D) The Clerk of the Court may establish registration procedures that require a Filing User applicant complete on-line and/or in-person ECF training prior to being provided full access as a Filing User.

(E) Once registration and/or training is completed in accordance with procedures established by the Clerk of the Court, the Clerk of the Court shall provide the Filing User with notification of the Filing User's login and password.

(F) Filing Users agree to protect the security of their passwords.

(1) A Filing User shall immediately notify the Clerk of the Court if he or she learns that the Filing User's password has been compromised.

(2) Use of the login and password is limited to the Filing User and agents specifically authorized by the Filing User. The Filing User shall be responsible for all applicable charges associated with use of the Filing User's password, and any documents filed by use of the password shall be deemed authorized and signed by the Filing User.

(3) If the Clerk of the Court believes that a Filing User's password has been compromised, the Clerk of the Court shall notify the Filing User. In such instances, the Clerk of the Court may make necessary corrections to ECF and shall issue a new password to the Filing User.

(4) Filing Users may be subject to sanctions for failure to comply with the provisions of this General Order or any ECF procedures established by the Clerk of the Court.

(G) Registered Filing Users may withdraw from participation in ECF by providing the Clerk of the Court with written notice of the withdrawal. Withdrawal is not effective until the Clerk of the Court issues a notice of withdrawal and the withdrawn Filing User shall promptly notify the other litigants in the Filing User's pending cases.

(H) It is the responsibility of the Filing User to maintain adequate facilities and equipment to participate in ECF, including maintaining a current and active e-mail address. The Filing User shall promptly notify the Clerk of the Court and opposing litigants in pending cases of any changes in the Filing User's e-mail address. A Filing User who lacks the necessary facilities, equipment, or active e-mail address, other than for a temporary period of limited duration, shall promptly seek withdrawal from ECF in accordance with § IV(G).

(I) A Filing User may, for cause, be terminated from using ECF. The Clerk of the Court shall establish rules and procedures for such termination, which shall provide for review by petition to the Executive Committee of the court or a designated district judge or magistrate judge.

(J) (1) A Filing User who is transferred to inactive status in accordance with LR 83.18 or suspended or disbarred pursuant to the court's disciplinary procedures, LR 83.25-.31, shall have his or her registration as a Filing User automatically terminated.

(2) Following reinstatement under LR 83.18 or LR 83.30, a previously registered Filing User must request reinstatement of his or her registration as a Filing User. Such request must include then-current information as to the Filing User's name, address, telephone number, and Internet e-mail address and any other information that may be required under procedures established by the Clerk of the Court.

V. Consequences of Electronic Filing

(A) Electronic transmission of a document to ECF consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the local rules of this court, and constitutes entry of the document on the docket kept by the Clerk of the Court under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.

(B) (1) When a document has been filed electronically or created by the court electronically, the official record is the electronic recording of the document as stored by the court,

(2) Except that redacted stored electronic versions of paper documents filed with the court shall not constitute the official record of the court and the paper document shall be maintained as the official record of the court.

(C) The filing party is bound by the document as filed. The clerk of court may, where necessary and appropriate, modify the docket to comply with quality control standards.

(D) Except in the case of documents first filed in paper form and subsequently submitted electronically under § III(B)(4), a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

(E) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Central Time in the Northern District of Illinois in order to be considered timely filed that day. To the extent local rule or an order of the court requires filing with the court or service on an opposing party by a specific time of day, the document must be filed or served by that time of day to be timely.

VI. Entry of Court Orders

(A) (1) All orders, decrees, judgments, and proceedings of the court will be filed in accordance with this General Order which will constitute entry on the docket kept by the Clerk of the Court under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically by the court or court personnel without the original signature of a judge (or, where applicable, the Clerk of the Court) has the same force and effect as if the judge or Clerk of the Court had affixed the judge's or Clerk of the Court's signature to a paper copy of the order and it had been entered on the docket in the manner otherwise provided.

(2) The Clerk of the Court may establish additional procedures for filing, creating, and storing electronic versions of orders, decrees, and judgments.

(B) A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

VII. Documents, Attachments, and Exhibits

(A) Filing Users must file all documents in electronic form, except where this General Order or the court permits otherwise. All electronic documents must be submitted in Compatible Format. Each document filed electronically must be titled using one of the categories contained in ECF.

(B) Documents filed electronically must not exceed 2 megabytes in size. Documents to be scanned into PDF format must not exceed 40 pages. Any document that exceeds these limits must be broken into multiple PDF files and filed as a document and attachments. By way of example, most filings include a foundation document (*e.g.*, motion) and other supporting attachments (*e.g.*, memorandum and exhibits). The foundation document as well as the supporting attachments will each be deemed a separate component of the filing, and each component shall be uploaded separately in the filing process.

(C) Filing Users may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format or exceeds the file size limit described above. Such component shall not be filed electronically, but instead shall be filed with the Clerk of the Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure and the local rules for filing and service of paper documents. Filing Users filing a

paper component shall file electronically a Notice of Paper Filing setting forth the reason(s) why the component cannot be filed electronically.

(D) A Filing User, unless otherwise instructed by the court, may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(E) (1) Nothing in section VII of this General Order shall override the local rules regarding size limitations on specific types of documents. The pages of electronic documents should substantially comply with the size limitations contained in LR 5.2. Absent leave of court, the page limitations set forth in LR 7.1 apply to briefs filed in electronic form.

(2) Nothing in section VII of this General Order shall prevent the court from ordering that other rules will apply in a particular case.

VIII. Restricted or Sealed Documents

(A) Restricted or sealed documents must be filed in paper form in accordance with LR 5.8 and 26.2.

(B) (1) A motion for a protective order or to file restricted or sealed documents may be filed electronically unless prohibited by law.

(2) If such a motion itself contains all or part of the proposed restricted or sealed materials, a Filing User may file such a motion in paper form.

IX. Retention Requirements for Documents with Signatures of Persons Other Than Filing Users

(A) Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 4 years after all time periods for appeals expire.

(B) On request of the court, the Filing User must provide original documents for review.

X. Signatures of Filing Users

(A) The user login and password required to transmit documents to ECF serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number, if applicable. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

(B) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. Electronic filing may be delegated to an authorized agent, who may use the login and password to transmit a filing. However, use of the login and password to transmit the filing constitutes a signature by the Filing User, even when the Filing User does not perform the physical act of filing.

(C) In cases assigned to ECF, documents requiring signatures of more than one party must be electronically filed either by: (1) transmitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three court days after filing; or (4) in any other manner approved by the court.

XI. Service of Documents by Electronic Means

(A) All Filing Users shall maintain a current and active e-mail address to receive Notices of Electronic Filing through ECF.

(B) When a pleading or other document is filed electronically in a case assigned to ECF, ECF will automatically generate a Notice of Electronic Filing, which will automatically be transmitted by e-mail to all Filing Users in the case.

(C) Subject to the provisions of Fed. R. Civ. P. 5(b)(3), the Notice of Electronic Filing constitutes service under Fed. R. Civ. P. 5(b)(2)(D) and Fed. R. Crim. P. 49(b) as to all Filing Users in a case assigned to ECF.

(D) Parties to a case assigned to ECF, who are not Filing Users or represented by a Filing User and who have not otherwise consented to service by electronic means under Fed. R. Civ. P. 5(b)(2)(D), are entitled to receive a paper copy of any electronically filed document. Service of

such paper copy must be made in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the local rules of this court.

(E) A certificate or affidavit of service must be included with all documents filed electronically. Such certificate or affidavit shall indicate that service was accomplished pursuant to ECF as to Filing Users and shall comply with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

XII. Notice of Court Orders and Judgments

(A) Immediately upon the entry of an order or judgment in a case assigned to ECF, the Clerk of the Court will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). The Clerk of the Court must give notice in paper form to a person who is not a Filing User or represented by a Filing User in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and the local rules of this court.

XIII. Technical Failures

(A) A Filing User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the court, which shall be granted for good cause.

(B) Any difficulty connecting to ECF and any other technical failure experienced should be immediately reported to the ECF Help Desk. The Court Web Site shall provide information as to how to contact the ECF Help Desk.

XIV. Public Access

(A) Anyone desiring to view documents and court records maintained on ECF from a location other than the office of the Clerk of the Court, must have an account on the Public Access to Court Electronic Records ("PACER") system. Information about PACER, including applicable fees and how to register for it, may be found on the Court Web Site.

(B) The public will have electronic access to ECF at the offices of the Clerk of the Court for viewing during regular business hours. The offices of the Clerk of the Court are located at 219 South Dearborn Street, Chicago, IL 60604 and 211 S. Court Street, Rockford, IL 61101.

(C) Paper copies and certified copies of the electronically maintained documents on ECF may be purchased at the offices of the Clerk of the Court. The fees for copying and certifying will be in accordance with 28 U.S.C. § 1930.